

Remarks/Arguments:

Claim Status:

Claims 1-19 are currently pending in the instant matter. Claims 6-19 are withdrawn from consideration.

Claim Rejections Under 35 U.S.C. 102:

Claims 1-5 stand rejected under 35 U.S.C. 102(b) as being anticipated by Lane (U.S. Patent No. 5,735,857). Applicants respectfully request reconsideration of these claims and respectfully submit that these claims are patentable over Lane for the reasons set forth below.

Independent claim 1 has been amended to incorporate a feature recited in claim 2, and now recites at least three features that are neither disclosed nor suggested by Lane, namely:

- (1) a v-shaped gripping surface,
- (2) a second pin extending through and movable relative to said v-shaped gripping surface, [and]
- (3) wherein said first pin and said second pin are offset on said v-shaped gripping surface.

As best shown in FIG. 14 and according to one exemplary embodiment, the implant insertion device includes a v-shaped gripping surface 68, a fixed pin 72, and a movable pin 70 relative to the v-shaped gripping surface 68.

Lane discloses a gripping instrument 10 for handling a prosthetic device 1. The gripping instrument includes a first elongated arm 11 pivotably coupled to a second elongated arm 12. Elongated arm 11 has a first gripping jaw 20 which is pivotably attached thereto, and elongated arm 12 has a second gripping jaw 30 which is swivelably attached thereto. The gripping surfaces of the instrument 10 (i.e., the surfaces that contact the implant 1) are defined on the jaws 20 and 30. The surfaces of the gripping jaws 20 and 30 are not v-shaped, as recited in claim 1. Moreover, the gripping jaws 20 and 30 are not offset on a v-shaped gripping surface.

Furthermore, the Office Action contends that the jaws 20 and 30 are analogous to the first and second pins recited in claim 1. Applicants respectfully disagree. In contrast with Lane, claim 1 of the instant matter recites that the second pin extends through and is moveable relative to the v-shaped gripping surface. Neither jaw 20 nor jaw 30 extend through or are moveable relative to the gripping surface because both jaws 20 and 30 define the gripping surface, i.e., neither jaw is moveable relative to itself. Additionally, claim 1 recites that the second pin is movable between a first and second distance measured from the gripping surface. Because Lane's gripping surface is defined on the jaws 20 and 30, the jaws are not movable relative to the gripping surface.

Lane therefore fails to disclose or suggest every element of Applicants' claimed invention, as recited in claim 1. Accordingly, for the foregoing reasons, Applicants respectfully submit that independent claim 1, as amended, is patentable over Lane and should be allowed.

Claims 2-5 are dependent upon claim 1, and therefore should also be allowable over Lane for at least the same reasons that claim 1 is allowable. Claim 2 has been amended to further recite first and second pins extending in a non-parallel manner. Support for this amendment is provided in Fig. 14, among other sections of the application.

Claims 1, 4 and 5 stand rejected under 35 U.S.C. 102(b) as being anticipated by Kashuba et al. [Kashuba] (U.S. Patent No. 5,098,437). Applicants respectfully request reconsideration of these claims and respectfully submit that these claims are patentable over Kashuba for the reasons set forth below.

Independent claim 1, as amended, recites at least two features that are neither disclosed nor suggested by Kashuba, namely,

(1) a v-shaped gripping surface, [and]

(2) a second pin extending through and movable relative to said v-shaped gripping surface.

Kashuba teaches an apparatus comprising a positioning rod 22 and a positioning insert 16 for inserting an acetabular implant 15 into a human hip joint. The positioning insert 16 is releasably coupled to the implant 15 by a spring element 42. A key element 58 extends from the flange 54 of the insert 16 and is positioned to contact rim 56 of the implant 15 to limit rotation of the implant.

Kashuba does not disclose or suggest a v-shaped gripping surface. Furthermore, the Office Action contends that Kashuba's spring element 42 is analogous to the second pin recited in claim 1. Applicants respectfully disagree. In contrast with Kashuba, claim 1 of the instant matter recites that the second pin ***extends through*** the gripping surface. Spring element 42 does not extend through a gripping surface.

Kashuba therefore fails to disclose or suggest every element of Applicants' claimed invention, as recited in claim 1. Accordingly, for the foregoing reasons, Applicants respectfully submit that independent claim 1, as amended, is patentable over Kashuba and should be allowed. Claims 4 and 5 are dependent upon claim 1, and therefore should also be allowable over Kashuba for at least the same reasons that claim 1 is allowable. Reconsideration of claims 1, 4 and 5 is respectfully requested.

Claims 1-2 and 4-5 stand rejected under 35 U.S.C. 102(b) as being anticipated by Salyer (U.S. Patent no. 5,171,313). Applicants respectfully request reconsideration of these claims and respectfully submit that these claims are patentable over Salyer for the reasons set forth below.

Independent claim 1, as amended, recites at least two features that are neither disclosed nor suggested by Salyer, namely,

- (1) a v-shaped gripping surface, [and]
- (2) wherein said first pin and said second pin are offset on said v-shaped gripping surface.

Salzer teaches a tool driver 10 for reaming cavities into a pelvis bone. A reamer 15 is releasably coupled to the driver 10 for cutting the bone. A pair of pins 24 and 26 extend in diametrically opposite directions from boss 18 into apertures 22 disposed on the reamer 15 (see FIG. 1). Pin 24 remains fixed in place, while pin 26 is spring loaded for moving between a retracted position and an extended position. In the retracted position of the pin 26, the reamer 15 is positioned over the boss 18. In the extended position of the pin 26, the reamer 15 is coupled to the driver 10 by virtue of the engagement of pins 24 and 26 and the apertures 22 of the reamer 15.

Salzer does not disclose or suggest a v-shaped gripping surface, as Salzer's boss 18 is cylindrically shaped. It also follows that Salzer's pins 24 and 26 are not offset on a v-shaped gripping surface.

Salzer therefore fails to disclose or suggest every element of Applicants' claimed invention, as recited in claim 1. Accordingly, for the foregoing reasons, Applicants respectfully submit that independent claim 1, as amended, is patentable over Salzer and should be allowed. Claims 2, 4 and 5 are dependent upon claim 1, and therefore should also be allowable over Salzer for at least the same reasons that claim 1 is allowable. Reconsideration of claims 1, 2, 4 and 5 is respectfully requested.

Claim Rejections Under 35 U.S.C. 103:

Claim 3 stands rejected under 35 U.S.C. 103(a) as being obvious over Kashuba. Applicants respectfully request reconsideration of this claim and respectfully submit that this claim is patentable over Kashuba for the reasons set forth below.


Claim 3 is dependent upon independent claim 1, and includes all of the limitations thereof. Claim 1, as amended, recites at least two features that are neither disclosed nor suggested by Kashuba. Specifically, Kashuba does not disclose or suggest a v-shaped gripping surface, or a second pin extending through and movable relative to the v-shaped gripping surface, as discussed in greater detail previously. Moreover, Applicant submits that the other cited references do not disclose a v-shaped gripping surface and second pin as recited in amended claim 1. Therefore, the prior art of record do not show that it would be obvious to modify the device in Kashuba to include the features recited in claim 1.

Accordingly, because claim 3 includes limitations that are neither disclosed nor suggested by the cited references, prima facie obviousness cannot be established. Reconsideration of claim 3 is respectfully requested.

Conclusion

In view of the amendments in the claims and the remarks set forth above, Applicants respectfully submit that this application is now in condition for allowance, which action is respectfully requested.

Respectfully submitted,



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